

REMARKS

Claims 1-10 are pending in this application. By this Amendment, claims 1-6 are amended and claim 10 is added. No new matter is added. Support for the new and amended claims may be found, at least, in Fig. 1 and pages 14 and 22-24 of the specification.

I. §112 Rejection

The Office Action rejects claims 1-9 under 35 U.S.C. §112, first paragraph, for allegedly introducing new matter in claim 1. This rejection is respectfully traversed.

The Office Action asserts that the phrase "the majority of partition walls" in claim 1 constitutes new matter. However, no new matter is introduced because this phrase is supported in the original specification.

The specification, on pages 7 and/or 16, states that "the honeycomb segments in which the partition walls...form an angle of 20 to 70°...are composed of partition walls having an average partition wall thickness larger than" the partition walls in the other honeycomb segments.

The words "are composed of" encompasses that anywhere from 1% to 100% of the partition walls could be thickened. This encompasses 51-100%, and thus the subset of "the majority of partition walls."

Thus, the recited claim term "the majority of partition walls" is supported by the specification. Accordingly, withdrawal of the rejection is respectfully requested.

II. §102(b) Rejection of Claim 1

The Office Action also rejects claims 1, 8 and 9 under (A) 35 U.S.C. §102(b) over JP55-147154 to Yoshinori (hereafter Yoshinori) (previously applied); (B) 35 U.S.C. §102(b) over U.S. Patent No. 4,810,554 to Hattori et al. (hereafter Hattori), and (C) 35 U.S.C. §102(a) over U.S. Patent Publication No. 2001/0003728 to Ito et al. (hereafter Ito). These rejections are respectfully traversed.

The Office Action fails to establish *prima facie* case of anticipation for two reasons. First, the Office Action fails to establish that applied references disclose "a honeycomb structure made by joining a plurality of honeycomb segments." Second, the Office Action fails to establish that the applied references disclose that "some but not all of the honeycomb segments...have a structure in which compression strength of a majority of partition walls is larger than that of the honeycomb segments constituting the other portions of the honeycomb structure."

A. The Applied References do not Disclose Segments

Claim 1 recites "a honeycomb structure made by joining a plurality of honeycomb segments." The applied references all disclose intergral honeycomb structures. The instant specification specifically notes, on page 5, that the purpose of the instant application is to improve performance of honeycomb structures that are made up of several segments joined together, "as compared with [a] honeycomb structure made intergrally as a whole." Thus, none of the applied references disclose a honeycomb structure made by joining a plurality of honeycomb segments.

B. Some But Not All of the Honeycomb Segments

Claim 1, as amended, recites that "some but not all of the honeycomb segments constituting at least a portion of the outer periphery of the honeycomb structure...have a structure in which compression strength of a majority of partition walls is larger than that of the honeycomb segments constituting the other portions of the honeycomb structure" (emphasis added). The Office Action fails to alledge that the applied references show the entire periphery being strengthened.

Yoshinori discloses a honeycomb structure having a plurality of quadrilateral cells, in which the partition walls of all of the cells bordering the outer periphery have higher compression strength than the partition walls of the remainder of the cells (see Figs. 2 and 4).

The Office Action asserts that because Yoshinori discloses that all of the partition walls on the outer periphery have higher compression strength, it follows that a majority of them must have a higher compression strength as recited by claim 1. However, as discussed above, Applicant believes the Examiner miss-interpreted the nature of this limitation. Because Figs. 2 and 4 of Yoshinnori disclose that all the partition walls on the outer periphery have higher compression strength, it follows that Yoshinnori cannot disclose that only some segments have higher compression strength. Thus, Yoshinnori fails to disclose a honeycomb in which only some of the honeycomb segments have higher compression strength.

Likewise, the Office Action only alleges that both Hattori and Ito that disclose a honeycomb in which all of the partition walls of the cells arranged along the periphery have extra compression strength. For example, the Office Action cites to Fig. 2 of Hattori (showing higher compression strength partition walls in bold) and cites to Fig. 2 of Ito. Both show all of the partition walls along the entire periphery of the honeycomb are strengthened. As such, Hattori and Ito also both fail to disclose a honeycomb in which only some of the honeycomb segments have higher compression strength.

Therefore, for at least the reasons discussed above, neither Yoshinnori, Hattori or Ito disclose each and every feature of claim 1. Thus, withdrawal of the rejection of claim 1, and claims 8 and 9 depending therefrom, is respectfully requested.

III. §103(a) Rejection of claims 2-7

The Office Action rejects claims 2, 3, 6 and 7 under 35 U.S.C. §103(a) over any one of Yoshinori, Hattori or Ito. The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Yoshinori in view of JP55-032232 to Ogawa (hereafter Ogawa). Finally, the Office Action rejects claim 5 under 35 U.S.C. §103(a) over Hattori. These rejections are respectfully traversed.

A. Traversal Based on Dependence

Claims 2-6 all depend from claim 1. Thus, for the reasons discussed above, Yoshinori, Hattori and Ito do not disclose or suggest a honeycomb structure made by joining honeycomb segments, or that some but not all of the honeycomb have a structure in which compression strength of a majority of partition walls is larger than that of the honeycomb segments constituting the other portions of the honeycomb structure. Furthermore, Ogawa fails to remedy this deficiency.

B. Traversal of Rejection of Claim 2 Based on Additional Features

Claim 2 has been amended to improve clarity, but the recited features are the same as the original claim. Thus, the rejection of claim 2 will be addressed.

The Office Action concedes Yoshinori, Hattori and Ito do not disclose that the "some but not all" segments are those in which the partition wall forms an angle of 20° to 70° relative to the tangent line of the outer periphery. The Office Action asserts that "the range claimed by the Applicant is large and it would have been obvious to one having ordinary skill in the art ... to adjust the angle percentages of the *fluid passages* of the partition walls for the intended application, since it has been held that discovering an optimum value of a *result effective variable* involves only routine skill") (emphasis added).

It appears that the Office Action is mis-reading claim 2 to recite that the angle of the fluid passages are altered. However, claim 2 recites that the "the... partition walls...form an angle of 20 to 70 degrees within respect to...the outer periphery." Yoshinori, Hattori and Ito do not disclose or suggest such a feature. Thus, the rejection of claim 2, and claims 3-6 now depending therefrom, lacks merit.

C. Traversal of Rejection of Claim 7

Claim 7 recites a honeycomb made by joining a plurality of honeycomb segments.

Thus, for the reasons discussed this feature of claim 7 is neither disclosed or suggested by the applied references.

Claim 7 also recites that "the outer periphery of the honeycomb is composed of honeycomb segments in which all the partition walls...form an angle of 0° [to] 20°, or...70° to 90°...with respect to...the outer periphery." Each one of the applied references show, in their respective figures, at least some partition walls intersecting the periphery and an angle outside the recited range. Thus, none of the applied references disclose or suggest this feature.

D. Claim 10 is in Condition for Allowance

Claim 10 is in condition for allowance based on its dependence on allowable claim 1, as well as for the separately patentable subject matter it recites.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: February 15, 2008

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